

ZB# 79-2

Nancy Brody

14-3-2

Public Hearing:

February 26th, 1979

8 p.m.

CCPD to be notified

Ord-

file w/ Town  
Clerk.

# GENERAL RECEIPT

3958

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

March 8 1979

RECEIVED OF Nancy Brody \$ 50.00  
Fifty and 00/100 DOLLARS

FOR 3 B.A. #179-2 Variance App. Fee

DISTRIBUTION:

FUND	CODE	AMOUNT
50.00 ck		

BY

Charlotte Marcantonio

deputy

TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

TOWN OF NEW MIDDLETOWN  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

79-2  
(Number)

2-23-79  
(Date)

I. Applicant information:

- (a) Nancy Brody  
(Name, address and phone of Applicant)
- (b) 345 ANN ST. Newburgh - 565-9899  
(Name, address and phone of purchaser or lessee)
- (c) Finkelstein, Mauriello, Kaplan & Levine 562-0203  
(Name, address and phone of attorney)
- (d) John J. Lease. Newburgh 562-2800  
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
- ☐ Area variance
- ☒ Sign variance
- ☐ Special permit

III. Property information:

- (a) PI 192 Rt. 9W N.W. 14 3 2 219 x 200 x  
(Zone) (Address) (M B L) (Lot size) 447 x 303
- (b) What other zones lie within 500 ft.? NC-PI-R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 6-76
- (e) Has property been subdivided previously? NO When? \_\_\_\_\_
- (f) Has property been subject of variance or special permit previously? \_\_\_\_\_ When? \_\_\_\_\_
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? yes If so, when 12-6-78
- (h) Is there any outside storage at the property now or in the past? \_\_\_\_\_

79-2  
(Number)

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(Date)

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(Name, address and phone of Applicant)
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(Name, address and phone of purchaser or lessee)
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- (f) Has property been subject of variance or special permit previously? \_\_\_\_\_ When? \_\_\_\_\_
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? yes. If so, when 12-6-78
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. yes - 2 TRAILERS

☐ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table USE, Column A, to allow REGULATIONS

(Describe proposed use)

COCKTAIL LOUNGE & RESTURANT

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

WITHOUT A VARIANCE THIS PROPERTY  
HAS BEEN VERY HARD TO SELL. THIS  
SALE DEPENDS ON A USE VARIANCE

☐ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

(Describe proposed use)

COCKTAIL LOUNGE & RESTAURANT

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HAS BEEN VERY HARD TO SELL. THIS  
SALE DEPENDS ON A USE VARIANCE



V.

Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

\*\* Non-residential districts only

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.
- (b) Describe in detail the use and structures proposed for the special permit.

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☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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☐ IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☐ Copy of tax map showing adjacent properties
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ Copy(ies) of sign(s) with dimensions.
- ☐ Check in amount of \$ 50.- payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.

- (b) Describe in detail the use and structures proposed for the special permit.

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☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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- ☒ Copy(ies) of sign(s) with dimensions.
- ☐ Check in amount of \$ 50,- payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ☐ Other

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

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VI.

Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use Regs. Column D - Permitted Accessory Signs

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<i>not to exceed</i> <u>40 sq. ft.</u>	<hr/>	<hr/>
Sign 2	<hr/>	<hr/>	<hr/>
Sign 3	<hr/>	<hr/>	<hr/>
Sign 4	<hr/>	<hr/>	<hr/>
Sign 5	<hr/>	<hr/>	<hr/>
Total	<hr/> sq.ft.	<hr/> sq.ft.	<hr/> sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VI. Sign Variance:

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	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>not to exceed 40 sq. ft.</u>	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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(Official Use Only)

X. AFFIDAVIT.

Date \_\_\_\_\_

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

\_\_\_\_\_  
(Applicant)

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 1975.

XI. ZBA Action:

(a) Public Hearing date \_\_\_\_\_

(b) Variance is \_\_\_\_\_

(c) Special Permit is \_\_\_\_\_

(d) Conditions and safeguards \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.

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(a) Public Hearing date \_\_\_\_\_

(b) Variance is \_\_\_\_\_

(c) Special Permit is \_\_\_\_\_

(c) Conditions and safeguards \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the  
TOWN OF NEW WINDSOR, New York will hold a Public Hearing  
pursuant to Section 48-33A of the Zoning Ordinance on the  
following proposition:

Appeal No. 2

Request of NANCY BRODY/HENDON POOLS CORP.

for a VARIANCE ~~XXXXXXXXXXXXXXXXXX~~ ~~SPECIAL USE PERMIT~~ of  
the regulations of the Zoning Ordinance, to permit  
A RESTAURANT AND COCKTAIL LOUNGE  
IN A PLANNED INDUSTRIAL (PI) ZONE

being a VARIANCE ~~SPECIAL USE PERMIT~~ of  
Section 48-9 - Table of Use Regulations-Column A  
for property situated as follows:

Route 9W near the intersection of Route 94  
in the Town of New Windsor, New York  
(formerly Hendon Pool building).

SAID HEARING will take place on the 26th day of February, 19 79,  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.  
beginning at 8 o'clock P. M.

MARK STORTECKY  
Chairman

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x  
In the Matter of the Application of  
NANCY BRODY/HENDON POOL CORPORATION  
Application #79-2.  
-----x

DECISION GRANTING  
USE VARIANCE

WHEREAS, NANCY BRODY of 345 Ann Street, City of Newburgh, Orange County, New York, and HENDON POOL CORPORATION by its administrators, Jeffer, Walter, Tierney, DeKorte, Hopkinson & Vogel of Patterson, New Jersey, have made application for a use variance to permit a restaurant and cocktail lounge in a Planned Industrial (PI) zone, located at 192 Route 9W in the said Town of New Windsor, N. Y.; and

WHEREAS, a public hearing was held on the 26th day of February, 1979 at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant, NANCY BRODY, represented herself and the applicant HENDON POOL CORPORATION, a now defunct corporation, appeared by letter to the Board dated February 23, 1979 through the real estate office of John J. Lease and granted approval of the application on behalf of the corporation; and

WHEREAS, the application was opposed by two residents and property owners in the immediate area of 192 Route 9W, New Windsor, N. Y.; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.

2. The evidence shows that the real estate agents have attempted to sell or lease the property for purposes for which it is zoned and have failed to do so at the present zoning, which is Planned Industrial (PI).

3. The evidence shows that the neighborhood primarily is that of commercial and that the proposed use will not change the character of the neighborhood.

4. The evidence shows that the plight of the applicants was due to unique circumstances and not to general conditions suffered by other persons within the zone.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The land will not yield a reasonable return as it is presently zoned.

2. The hardship of the applicants has been shown to be due to unique circumstances and not general conditions.

3. The application does not alter the essential character of the neighborhood.

4. The application before the board does not rewrite the Zoning Local Law.

5. The evidence shows that this is not a self-created hardship.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor grant the use variance as applied for by the applicants herein with the following restrictions:

1. The pool located on the premises be removed, permanently covered or rendered permanently unusable.

2. That there be no loud bands located on the premises but that there be only one piano with no loud amplification of same.

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and real estate representative and applicant.

Dated: March 26, 1979.

---

Chairman

**BROKERS**  
JOHN J. LEASE, SR.  
JOHN J. LEASE, JR.  
RICHARD F. LEASE

*John J. Lease*

REAL ESTATE  
313 BROADWAY  
P. O. Box 2577  
NEWBURGH, N. Y. 12550  
914 - 565-2800

  
REALTOR®  
ESTABLISHED 1936  
SALES  
APPRAISING  
MORTGAGE LOANS

February 23, 1979

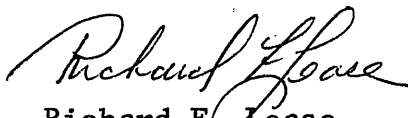
Chairman  
Zoning Board of Appeals  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, N. Y. 12550

Dear Mr. Chairman:

The firm of John J. Lease Realtors has been engaged by the law firm of Jeffer, Walter, Tierney, DeKorte, Hopkinson & Vogel to sell the Hendon Pool property known as Section 14, Block 3, Parcel 2 and also known as the Hendon Pool property located on Route 9W, New Windsor, N. Y. for a period of over one(1) year and have found it impossible to do so at its present zoning.

Very truly yours

JOHN J. LEASE REALTORS

  
Richard F. Lease  
RFL/ml

*John J. Lease*

REAL ESTATE

313 BROADWAY

P. O. Box 2577

NEWBURGH, N. Y. 12550

914 - 585-2800



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**BROKERS**

JOHN J. LEASE, SR.  
JOHN J. LEASE, JR.  
RICHARD F. LEASE

February 23, 1979

Chairman  
Zoning Board of Appeals  
Town Hall  
New Windsor, N. Y. 12550

Dear Mr. Chairman:

The firm of John J. Lease Realtors hereby represents the law firm of Jeffer, Walter, Tierney, DeKorte, Hopkinson & Vogel of Patterson, New Jersey, who have been appointed by the courts to administer the affairs of Hendon Pools of New Jersey.

Said law firm is aware of and approves of an application for variance by Nancy Brody regarding the property known as Section 14, Block 3, Parcel 2 and also known as the Hendon Pool property located on Route 9W, New Windsor, N. Y.

Jeffer, Walter, Tierney, DeKorte, Hopkinson & Vogel feel that it is in the best interest of Hendon Corporation to grant this variance.

Very truly yours

JOHN J. LEASE REALTORS

Richard F. Lease  
RFL/ml

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD  
FROM: TOWN ZONING BOARD OF APPEALS  
SUBJECT: PUBLIC HEARING BEFORE THE ZBA  
MONDAY EVENING - FEBRUARY 26, 1979  
DATE: February 22, 1979

Kindly be advised that there will be one public hearing scheduled before the New Windsor ZBA on Monday evening, February 22, 1979 at 8 p.m.:

In the Matter of the Application of  
NANCY BRODY/HENDON POOLS for a use  
variance to permit a restaurant and  
cocktail lounge at the Hendon Pool site  
on Route 9W (Planned Industrial) zone.

Copy of the public hearing notice which appeared in The Evening News is attached. Applications have not been received to this date.

Pat

cc: Howard Collett, Bldg./Zoning Inspector  
Enclosure

(914) 565-8550

February 27, 1979

Mrs. Nancy Brody  
345 Ann Street  
Newburgh, N. Y. 12550

Hendon Pool Corporation  
%Jeffer, Walter, Tierney, DeKorte, Hopkinson  
& Vogel  
Patterson, New Jersey

RE: APPLICATION FOR USE VARIANCE #79-2  
TOWN OF NEW WINDSOR

Dear Mrs. Brody and Dear Sirs:

This is to advise that an application for a use variance was granted to NANCY BRODY/HENDON POOL CORPORATION to use certain property located at 192 Route 9W (formerly of Hendon Pools) as a restaurant and cocktail lounge in a Planned Industrial (PI) zone with the following restriction: that the pool on the premises be removed, permanently covered or rendered permanently unusable.

Formal decision will be drafted and acted upon at an upcoming Board meeting. You will receive a copy of same when it is available.

Very truly yours,

PATRICIA DELIO, Secretary  
New Windsor Zoning Board of Appeals

/pd

cc: Howard Collett, Bldg./Zoning Inspector  
Ernest Spigaardo, Chairman - Town Planning Board



Monk's Foot Brand  
Since 1899

## American Felt & Filter Company

2BA  
FEB 20 1979

Cornelius E. Hubner  
President

February 15, 1979

Dear Mr. Stortecky:

I have received Notice of Appeal #2 from Nancy Brody/Hendon Pools Corporation for a Variance of the Zoning Ordinance to permit a restaurant and cocktail lounge on Route 9W near our property.

This is just a note to let you know that we support this Appeal and look forward to another good restaurant in this area!

The Officials in New Windsor were very helpful to us when we moved into our headquarters here, and I am sure you had a hand in this help. Please accept this belated thanks. If you have the opportunity to drop by, I would be pleased to meet with you at your convenience.

Sincerely,

Cornelius E. Hubner

CEH/sew

Mr. Mark Stortecky, Chairman  
Zoning Board of Appeals  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, NY 12550

2/26/79 Public Hearing - ZBA - Brady/Hendon Ponds.

Name

Address

Peter Palli

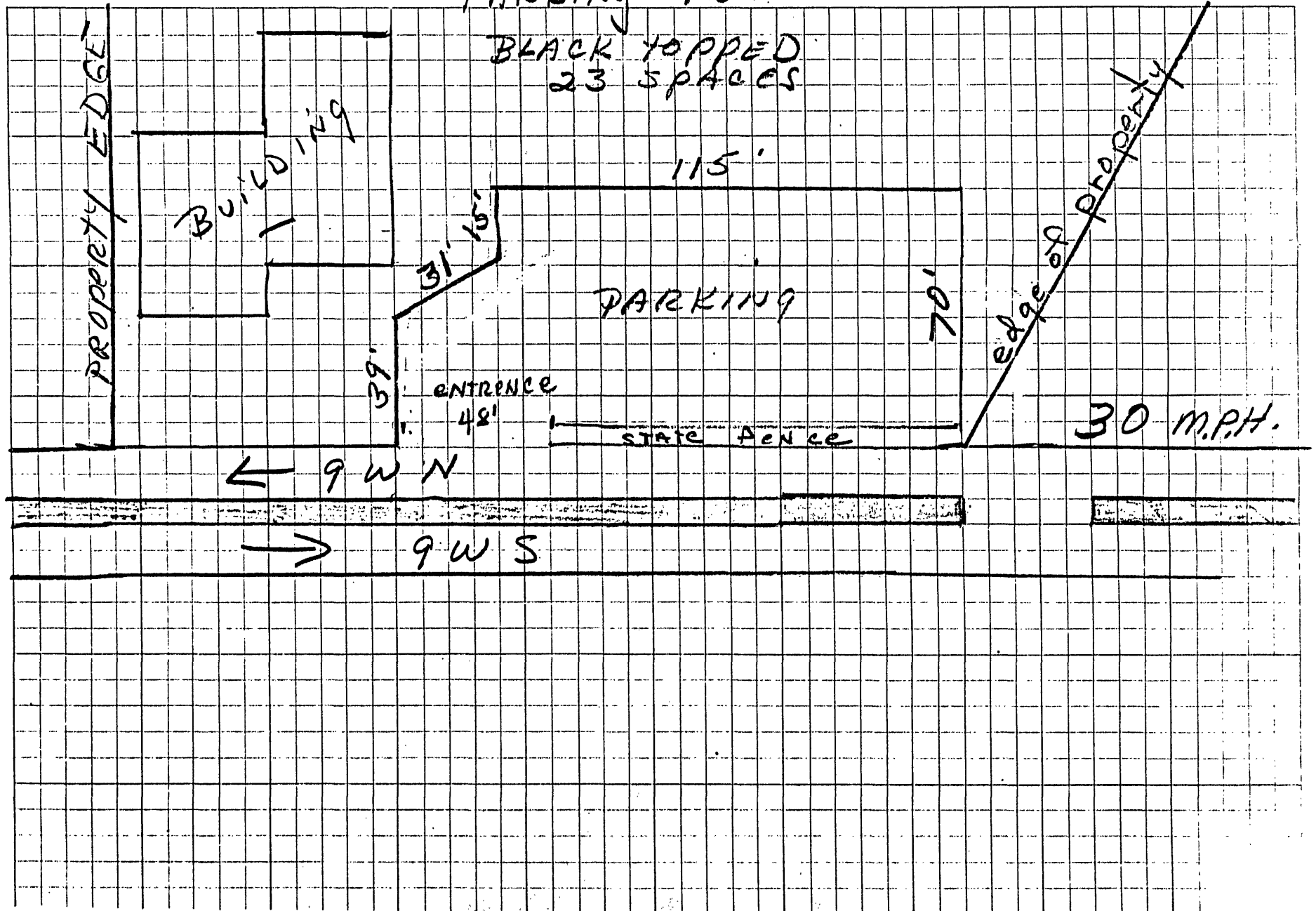
321 Route 9W New Windsor

Larry Shuman

103 CHESTNUT DR

# PARKING LOT

BLACK TOPPED  
23 SPACES



29c ✓  
✓✓ Westchester Colprovia Corp.  
92 Bedford Rd.  
Katonah, NY 10536

✓✓ Mr. & Mrs. James Purpura  
334 Rt. 9W  
New Windsor, NY 12550

✓✓ Mr. & Mrs. Warren Craig  
10 Wintergreen Ave.  
Newburgh, NY 12550

✓✓ Central Hudson Gas & Electric  
284 South Rd.  
Poughkeepsie, NY 12601

✓✓ American Felt & Filter Co.  
34 John St.  
New Windsor, NY 12550

✓✓ Mr. & Mrs. Vincent Weyant  
35 Kleitz Ave.  
Highland Falls, NY 10828

✓✓ St. Patrick's Church Cemetery  
55 Grand St.  
Newburgh, NY 12550

✓✓ Getty Refining & Marketing Co.  
660 Madison Ave.  
New York, NY 10021

✓✓ Ms. Donna Ward  
105 Quassaick Ave.  
New Windsor, NY 12550

✓✓ Mr. & Mrs. John O'Neil  
101 Chestnut Dr.  
New Windsor, NY 12550

✓✓ Mr. & Mrs. John Simanoski  
109 Quassaick Ave.  
New Windsor, NY 12550

✓✓ Mr. & Mrs. Leroy Sherow  
103 Chestnut Dr.  
New Windsor, NY 12550

✓✓ Mr. & Mrs. Peter Polli  
321 Route 9W  
New Windsor, NY 12550

✓✓ Mr. & Mrs. John Hunter  
107 Chestnut Ave.  
New Windsor, NY 12550

✓✓ Ms. Cecelia O'Neill  
109 Chestnut Dr.  
New Windsor, NY 12550

✓✓ Mr. & Mrs. William Pullar  
101 Laurel Dr.  
New Windsor, NY 12550

✓✓ Mr. & Mrs. Arthur Levine  
100 Chestnut Dr.  
New Windsor, NY 12550

✓✓ Ms. Margaret Wolford  
102 Chestnut Dr.  
New Windsor, NY 12550

✓✓ Mr. & Mrs. Frank Colone  
106 Chestnut Dr.  
New Windsor, NY 12550

✓✓ Mr. & Mrs. George Fraas  
115 Quassaick Ave.  
New Windsor, NY 12550

✓✓ Mr. & Mrs. John DiMarco  
111 Chestnut Dr.  
New Windsor, NY 12550

✓✓ Ms. Nora Wadagnolo  
104 Laurel Dr.  
New Windsor, NY 12550

✓✓ Ms. Katherine Arra  
106 Laurel Dr.  
New Windsor, NY 12550

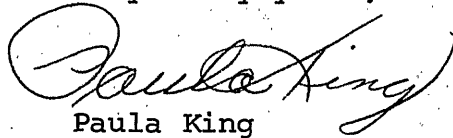
✓✓ Mr. & Mrs. John Walsh  
108 Laurel Dr.  
New Windsor, NY 12550

✓✓ Mr. & Mrs. David Harris  
110 Laurel Dr.  
New Windsor, NY 12550

✓✓ Mr. & Mrs. Silvio Previtti  
112 Laurel Dr.  
New Windsor, NY 12550

✓✓ Mr. L. Bedrosian  
401 South Water St.  
Newburgh, NY 12550

Very truly yours,

A handwritten signature in cursive script, reading "Paula King". The signature is written in dark ink and is positioned above the printed name and title.

Paula King  
Sole Assessor  
Town of New Windsor,

1

Public Hearing

~~Nov 12th~~ Feb 26th  
8pm

TOWN OF NEW WINDSOR  
ORANGE COUNTY, N. Y.  
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. ....

Date DEC 6, 19 78

To NANCY BRADY  
345 ANN ST  
NEWBURGH NY

565-9899

PLEASE TAKE NOTICE that your <sup>REQUEST</sup> application dated DEC 6, 19 78

for permit to OPERATE A RESTURANT & LOUNGE

at the premises located at ROUTE 9W (HENDON SWIMMING POOL BLDG.

SEC 14- BLOCK-3-LOT 2

is returned herewith and disapproved on the following grounds:

Vogel

PROPERTY LOCATED IN PL ZONE  
NOT PERMITTED

Owner  
(Hendon Corp.)

Howard R. [Signature]  
Building Inspector

December 6, 1978

Mr. Howard Collett  
Building Inspector/Zoning Inspector  
555 Union Avenue  
New Windsor, N. Y. 12550

Dear Mr. Collett,

I request permission to open a restaurant and lounge  
at the former Hendon Pool building, located on Route 9W.

Yours truly,

*Nancy Brady*

*345 ANN ST.  
Newburgh - N.Y.*